Environmental Analysis Information

Applicable environmental laws must be satisfied by the sponsor and land management agency involved in the project whether that project is on federal, state, county, city or private land. However, several changes to our grant application procedures relative to environmental compliance are being implemented in FY2013. We believe these changes will simplify the grant application process and make it easier for most applicants. In this discussion, MEPA refers to the Montana Environmental Policy Act, which is State Law, and NEPA refers to the National Environmental Policy Act, which is Federal Law.

Because federal and state agencies are required to coordinate with each other and each may 'tier to' or adopt by reference the other's approved environmental review, OHV grant applicants with projects occurring on U.S. Forest Service (USFS) property and other Federal lands, can now often satisfy MEPA requirements "by reference." This new process is limited to projects that have been cleared by the USFS or other Federal agency because the NEPA analysis has already been completed or because the category of work to be conducted is covered by a NEPA categorical exclusion (see next page).

The second change to our application procedures regards the public comment process. In the past, grant applicants were required to conduct a 30-day public comment period <u>prior to</u> the submission of a grant application to satisfy MEPA. Later, Montana State Parks also conducted a programmatic 30-day public comment period for the same applications. We have now eliminated the public comment period requirement for all applicants. The comment period to satisfy MEPA will be conducted solely by Montana State Parks. Therefore, even for applicants that must complete an Environmental Analysis, the applicant will not be required to conduct a public comment period prior to submitting an application by the August 2, 2013, deadline.

A third change involves required documents for those applicants that still need to supply an Environmental Analysis. <u>Please note that Wildlife Review Forms, Fisheries Review Forms, and Noxious Weed Reports are no longer required in any case.</u>

As in the past, the following types of OHV grant projects are exempt from completion of an Environmental Analysis:

- Ethics or safety education materials or programs
- Portable exhibits and displays

To help facilitate the grant application process, the following matrix should provide guidance to prospective grant applicants. When in doubt, do not hesitate to call the OHV Program Manager with questions.

OHV Grant Application Guidelines				
Action	Response			
Submit OHV grant application for an approved trail system on U.S. Forest Service property that has NEPA clearance.	Applicant may adopt the approved NEPA analysis or categorical exclusion by reference (see next page).			
Plan to submit OHV grant application for a project in which all or part of the project is outside the "footprint" of an approved trail system and with no valid NEPA clearance.	A new NEPA environmental analysis must be completed by the U.S. Forest Service before applicant can apply. Once NEPA is completed, applicant may adopt the NEPA analysis by reference (see next page) with new application.			

Compliance with the Montana Environmental Policy Act

Federal and state agencies are required to coordinate with each other and each may 'tier to' or adopt by reference the other's completed environmental review. The federal and state agencies also may cooperate in the preparation of a single environmental review that is legally sufficient and valid for both NEPA and MEPA.

The project under consideration for a grant from the Montana Off Highway Vehicle Program will be completed on property owned and managed by the **Name of Agency** (U.S. Forest Service, U.S. Bureau of Land Management, etc.). The project is an activity that fits the type of actions described in FSH 1909.15 – NEPA Handbook (323.12(4): 'Repair and maintenance of roads, trails, and landline boundaries,' and is categorically excluded from further environmental analysis under the National Environmental Policy Act [refer to 36 CFR 220.6(d)(4)].

- (4) Repair and maintenance of roads, trails, and landline boundaries. Examples include but are not limited to:
- (i) Authorizing a user to grade, resurface, and clean the culverts of an established NFS road;
- (ii) Grading a road and clearing the roadside of brush without the use of herbicides;
- (iii) Resurfacing a road to its original condition;
- (iv) Pruning vegetation and cleaning culverts along a trail and grooming the surface of the trail; and
- (v) Surveying, painting, and posting landline boundaries.

We hereby adopt this Federal NEPA environmental analysis by reference to comply with the Montana Environmental Policy Act. The Project Sponsor has received permission from the federal land-managing agency to conduct the project described in this grant application.

Project Sponsor:		
Project Title:		
Project Location:		
Brief Scope of Work:		
Date:		
Preparer/ Agency:	(please print legibly))
Signed:		